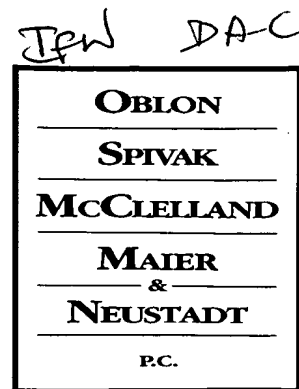




Docket No.: 200204US0PCT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/701,572  
Applicants: EVA KONDOROSI, et al.  
Filing Date: January 29, 2001  
Allowed Date: February 8, 2006  
For: PLANT PROTEIN WITH REPEATED WD40  
MOTIFS, NUCLEIC ACID CODING FOR SAID  
PROTEIN, AND USES THEREOF  
Group Art Unit: 1638  
Examiner: C. Collins

SIR:

Attached hereto for filing are the following papers:

**Petition Under 37 CFR 1.181; Copy of Date-stamped Filing Receipt, Request for Consideration and International Search Report filed December 8, 2000; PTO Form 1449**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Thomas M. Cunningham

Registration No. 45,394

Customer Number

**22850**

(703) 413-3000 (phone)

(703) 413-2220 (fax)

DOCKET NO: 200204US0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
EVA KONDOROSI, ET AL. : EXAMINER: C. COLLINS  
SERIAL NO: 09/701,572 : ALLOWED DATE: FEBRUARY 8, 2006  
FILED: JANUARY 29, 2001 : GROUP ART UNIT: 1638  
FOR: PLANT PROTEIN WITH :  
REPEATED WD40 MOTIFS, NUCLEIC  
ACID CODING FOR SAID PROTEIN,  
AND USES THEREOF

PETITION UNDER 37 CFR 1.181

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants hereby petition the Commissioner pursuant to 37 C.F.R. 1.181 to invoke supervisory authority to:

Formally acknowledge consideration of a document cited on the International Search Report. This document (DATABASE EMBL—28 September 1998) was cited on the ISR (page 3), but not subsequently cited on either Form 892 or 1449.

A request for consideration of the documents cited on the ISR and the ISR itself were filed December 8, 2000 (see attached filing receipt). A Form 1449 citing this document is provided for the convenience of the Examiner.


The Applicants respectfully request that the Examiner sign and initial the attached 1449 and return a copy of same to them.

Application No. 09/701,572  
Petition Under 37 CFR 1.181

Applicants do not believe that any petition fee is due. However, in the event there are fee due, please charge or credit the difference to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Thomas M. Cunningham  
Attorney of Record  
Registration No. 45,394

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

**COPY**

OS&M. File No. 200204US0PCT By NFO/cas FF

Due Date 12/08/00

Serial No. New U.S. PCT Application based on PCT/FR99/01342

In the Matter of the Application of Eva KONDOROSI, et al.

For PLANT PROTEIN WITH REPEATED WD40 MOTIFS,  
NUCLEIC ACID CODING FOR SAID PROTEIN, AND  
USES THEREOF

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ 23 pgs. Specification 11 Claims (English Translation) 6 Sequence Listing
- ☐ Combined Declaration, Petition & Power of Attorney (   pages)
- ☐ Petition of Revive Under 37 C.F.R. 1.137 (b)
- ☒ Notice of Priority;
- ☒ Check for \$ 990.00 ; ☒ Dep. Acct. Order Form
- ☐ Assignment        pages/PTO-1595
- ☒ Drawings 8 sheets
- ☒ PCT Transmittal Letter
- ☐ Preliminary Amendment
- ☒ PCT/IB/304
- ☒ PCT/IB/308
- ☐ International Preliminary Examination Report
- ☒ International Search Report
- ☒ Request for Consideration of Documents Cited in International Search Report
- ☐ Letter Regarding Translation of Annexes
- ☐ Translation of Annexes to International Preliminary Examination Report

SERIAL NO. 09/701572

**90 Rec'd PCT/PTO 08 DEC 2000**

DATE RECEIVED                     

☐ CLAIMING SMALL ENTITY STATUS

**BEST AVAILABLE COPY**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Eva KONDOROSI, et al.

SERIAL NUMBER: NEW U.S. PCT APPLICATION (based on PCT/FR99/01342)

FILED: HERewith

FOR: PLANT PROTEIN WITH REPEATED WD40 MOTIFS, NUCLEIC ACID CODING  
FOR SAID PROTEIN, AND USES THEREOF**REQUEST FOR CONSIDERATION OF DOCUMENTS  
CITED IN INTERNATIONAL SEARCH REPORT**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.**22850**

---

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618  
Surinder Sachar  
Attorney of Record  
Registration No. 34,423(703) 413-3000  
Fax No. (703) 413-2220  
(OSMMN 1/97)

# COPY INTERNATIONAL SEARCH REPORT

Int. Application No

PCT/FR 99/01342

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C07K14/415 C12N15/29 C12N15/82 C12N5/10 A01H5/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C12N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	M. LUO ET AL.,: "Cloning and characterisation of a carrot cDNA coding for a WD repeat protein homologous to Drosophila fizzy, human p55CDC and yeast CDC20 proteins" PLANT MOLECULAR BIOLOGY, vol. 34, no. 2, 1 May 1997 (1997-05-01), pages 325-330, XP002094573 cited in the application the whole document	1,2
X	--- DATABASE EMBL NUCLEOTIDE AND PROTEIN SEQUENCES, - 1 July 1997 (1997-07-01) XP002094591 HINXTON, GB AC= 004634. Arabidopsis thaliana, similarity to beta transducins. abstract --- -/-	1

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

9 December 1999

Date of mailing of the international search report

22/12/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Mateo Rosell, A.M.

# INTERNATIONAL SEARCH REPORT

Inte onal Application No

PCT/FR 99/01342

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 95 21917 A (AMGEN INC ; UNIV CALIFORNIA (US)) 17 August 1995 (1995-08-17)	2
A	page 11-19; examples 1,2 page 51-60	1-11
A	WO 98 03631 A (SALK INST FOR BIOLOGICAL STUDI) 29 January 1998 (1998-01-29)	1-11
A	page 2, line 1-18; example 1	
A	MCKHANN H ET AL.: "Cloning of a WD-repeat-containing gene from alfalfa (Medicago sativa): A role in hormone-mediated cell division?" PLANT MOLECULAR BIOLOGY, vol. 34, no. 5, 1997, pages 771-780, XP000857490 the whole document	1,3-10
A	S.J. SIGRIST AND C.F. LEHNER: "Drosophila fizzy-related down-regulates mytotic cyclins and is required for cell proliferation arrest and entry into endocycles" CELL, vol. 90, 1997, pages 671-681, XP002094574 cited in the application see the whole document in particular figure 1 : EMBL AC= Y14162 Drosophila cDNA and AC= Y14163 Xenopus cDNA.	2
A	S. YAMAGUCHI ET AL.: "A WD repeat protein controls the cell cycle and differentiation by negatively regulating Cdc2/B-type cyclin complexes." MOLECULAR BIOLOGY OF THE CELL, vol. 8, no. 12, 1997, pages 2475-2486, XP002094575 cited in the application see the whole document in particular figure 2	2
A	M. SCHWAB ET AL.: "Yeast Hct1 is a regulator of Clb2 cyclin proteolysis" CELL, vol. 90, 1997, pages 683-693, XP002094576 cited in the application see the whole document in particular figure 1	1
	--- -/--	

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/FR 99/01342

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	NEER E J ET AL: "The ancient regulatory-protein family of WD-repeat proteins" NATURE, vol. 371, 22 September 1994 (1994-09-22), pages 297-300, XP002082119 cited in the application the whole document	1
A	PATTON E E ET AL: "Combinatorial control in ubiquitin-dependent proteolysis: don't Skp the F-box hypothesis" TRENDS IN GENETICS, vol. 14, no. 6, 1 June 1998 (1998-06-01), page 236-243 XP004121083	1
A	HILT W ET AL: "Proteasomes: destruction as a programme" TIBS TRENDS IN BIOCHEMICAL SCIENCES, vol. 21, no. 3, March 1996 (1996-03), page 96-102 XP004050935 see the whole document in particular pages 99-100	1
A	BAI C ET AL: "SKP1 connects cell cycle regulators to the ubiquitin proteolysis machinery through a novel motif, the F-box" CELL, vol. 86, no. 2, 26 July 1996 (1996-07-26), pages 263-274, XP002082118	1
P, X	DATABASE EMBL NUCLEOTIDE AND PROTEIN SEQUENCES, - 28 September 1998 (1998-09-28) XP002094577 HINXTON, GB AC= AJ224078. Brassica napus mRNA with similarity to p53cdc and fizzy genes. abstract	1.2
P, X	DATABASE EMBL NUCLEOTIDE AND PROTEIN SEQUENCES, 6 April 1999 (1999-04-06), XP002125115 HINXTON, GB AC = AF079404. Medicago sativa subsp. X varia cell cycle switch protein (ccs52) mRNA, complete cds. abstract	1-11

-/--



# INTERNATIONAL SEARCH REPORT

International Application No.

PCT/FR 99/01342

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
T	<p>CEBOLLA A ET AL., : "The mitotic inhibitor ccs52 is required for endoreduplication and ploidy-dependent cell enlargement in plants"  EMBO,  vol. 18, no. 16, August 1999 (1999-08),  pages 4476-4484, XP002125116  the whole document  -----</p>	1-11

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/FR 99/01342

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9521917 A	17-08-1995	AT 167518 T	15-07-1998
		AU 700350 B	07-01-1999
		AU 1875695 A	29-08-1995
		CA 2183254 A	17-08-1995
		DE 69503038 D	23-07-1998
		DE 69503038 T	25-03-1999
		EP 0745124 A	04-12-1996
		ES 2117855 T	16-08-1998
		GR 3027621 T	30-11-1998
		JP 9504959 T	20-05-1997
WO 9803631 A	29-01-1998	AU 3960597 A	10-02-1998
		CA 2260287 A	29-01-1998
		EP 0929663 A	21-07-1999

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.

200204US0PCT

SERIAL NO.

09/701,572

## LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

EVA KONDOROSI, et al.

FILING DATE

January 29, 2001

GROUP

1638

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO					
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	Database Embl Nucleotide and Protein Sequences, September 28, 1998
	AX	
	AY	
	AZ	

☐ Additional References sheet(s) attached

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.